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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON

PREPARED FOOD PHOTOS, INC.  
f/k/a ADLIFE MARKETING &  
COMMUNICATIONS CO., INC.,

Plaintiff,

v.

POOL WORLD, INC.,

Defendant.

Civil Action No. 2:23-cv-00160-TOR

**JOINT STATUS REPORT**

a) **Suggested deadlines for adding additional parties, amending the pleadings, and seeking class certification**

- i. Adding Additional Parties: Plaintiff suggests moving this deadline to November 15, 2024 to preserve the rights of the parties should either party need to add an additional party. Defendant states that the deadline has passed, and does not agree.
- ii. Amending the Pleadings: Plaintiff suggests moving this deadline to November 15, 2024 to preserve the rights of the parties should either party move to amend the pleadings. Defendant states that the deadline has passed, and does not agree.

1           iii.    Seeking Class Certification: N/A

2           b) **Whether all non-government corporate parties have filed the necessary**  
3           **ownership statements.** All parties have filed the necessary ownership  
4           statements.

5  
6           c) **Whether the case involves a minor or incompetent party and whether**  
7           **the appointment of a guardian *ad litem* is necessary.** This case does not  
8           involve a minor or incompetent party. The appointment of a guardian *ad*  
9           *litem* is not necessary.

10          d) **Discovery.**

11           i.    Initial Disclosures: Initial disclosures were first exchanged in August  
12               2023. However, Plaintiff suggests moving this deadline to November  
13               15, 2024 to preserve the rights of the parties should either party want  
14               to revise its initial disclosures. Defendant does not agree.

15  
16           ii.   Subjects on which discovery may be needed: Discovery will cover the  
17               validity and ownership of the asserted copyright, whether use of the  
18               image was licensed when it was posted in 2010, whether plaintiff has  
19               a sound basis for invoking the discovery rule to justify filing suit in  
20               2022, evidence supporting or opposing the asserted damages, and  
21               plaintiff's business practices in both licensing and enforcing its  
22               claimed copyrights. Nothing in this recitation represents an  
23  
24

acknowledgement of the legitimacy or illegitimacy of any discovery issue.

iii. Issues about preserving discoverable information, including electronically stored information: None at this time.

iv. Claims of privilege, protection of confidentiality, and proposed confidentiality agreements

- Any stipulation or motion for a confidentiality agreement or protective order must be timely filed so as not to delay the discovery process or the Court's deadlines. If confidential records are attached to court filings, "compelling reasons" must be shown to seal records attached to a dispositive motion and "good cause" must be shown to seal records attached to a non-dispositive motion. Kamakana v. City and County of Honolulu, 447 F.3d 1172, 1178–80 (9th Cir. 2006).

v. Proposed agreements reached under Fed. R. Evid. 502

- The parties have not reached any proposed agreements under Fed. R. Evid. 502. However, if an issue arises, the parties will endeavor to reach agreement.

vi. Proposed modifications to the standard discovery procedures, including bifurcation and/or consolidation of discovery, or an increase

1 in the allowed number of depositions (10), interrogatories (25),  
 2 requests for production (30), or requests for admission (15)

- 3 ○ The parties only proposed modifications are that each party  
 4 be permitted to serve no more than 30 requests for admission,  
 5 including discrete subparts, on any other party, and may take  
 6 up to 12 depositions.  
 7
- 8 ○ A party needing relief from these limitations should timely  
 9 seek relief from the Court by motion.  
 10

11 vii. Suggested expert disclosure deadlines

- 12 ○ *Plaintiff's Initial Expert Disclosure*: Plaintiff shall identify its  
 13 experts and serve those experts' Rule 26(a)(2) reports on all  
 14 other parties no later than **December 2, 2024**. Plaintiff shall  
 15 also provide dates for which those experts can be available  
 16 for deposition.  
 17
- 18 ○ *Defendant's Expert Disclosure*: Defendant shall identify its  
 19 experts and serve those experts' Rule 26(a)(2) reports on all  
 20 other parties no later than **January 31, 2025**. Defendant shall  
 21 also provide dates for which those experts can be available  
 22 for deposition.  
 23
- 24 ○ *Plaintiff's Rebuttal Expert Disclosure*: Plaintiff shall identify

its rebuttal experts and serve those experts' Rule 26(a)(2) reports on all other parties no later than **February 17, 2025**. Plaintiff shall also provide dates for which those experts can be available for deposition.

viii. Suggested discovery cut-off

- The parties propose that all discovery, including depositions and perpetuation depositions, shall be completed by **June 10, 2025** ("Discovery Cutoff"). To be timely, discovery requests must be served sufficiently in advance of the deadline to allow for timely response by the cutoff date. The parties shall not file discovery, except those portions necessary to support motions or objections.

e) **Anticipated motions and suggested dispositive motion filing deadline.**

- Plaintiff and Defendant each anticipate bringing dispositive motions.
- *Dispositive and Daubert Motions* – The parties suggest that all dispositive motions and Daubert motions shall be filed on or before **June 17, 2025**. Responses and replies to dispositive and Daubert motions shall comply with LCivR 7. No supplemental responses or supplemental replies to any

dispositive or Daubert motion may be filed without Court permission. Dispositive and Daubert motions shall be noted for hearing at least fifty (50) days after the date of filing.

○ *Motions to Compel* – to avoid wasted time and expense, the parties may contact chambers to schedule a telephonic conference to obtain an expedited ruling on discovery disputes. Motions to compel seeking sanctions shall be filed in writing.

○ *Motions in Limine* – all unresolved substantive or evidentiary issues that may foreseeably arise during trial shall be addressed by motions in limine to be filed and served on or before August 5, 2025. Such motions will be addressed and resolved at the pretrial conference. However, motions in limine may not reargue issues already decided by the Court.

f) **Trial:**

i. Whether a jury has been requested

○ A jury has been requested by plaintiff.

ii. Suggested trial date(s) and location

○ The parties suggest trial occur in Spokane, Washington and occurs sometime in the early **fall of 2025.**

1           iii. Anticipated length of trial

- 2                     ○ Trial is anticipated to take between 3-5 days.

3           iv. Requests for bifurcation

- 4                     ○ The parties do not request bifurcation.

5           v. Need for special audio/visual courtroom technology

- 6                     ○ The parties do not currently believe there is a need for special  
7                         audio/visual courtroom technology.

8  
9           g) **Likelihood for settlement and the point at which the parties can conduct**  
10           **meaningful dispute resolution.** The parties attempted to resolve the matter

11           through a settlement conference with Judge Goeke. It is not likely that the  
12           case will settle; however, the parties may be able to narrow the issues for  
13           trial.  
14

15           h) **Any other matters that may be conducive to the just, speedy, and**  
16           **inexpensive determination of the action.** The parties are currently unable

17           to identify any other matters that may be conducive to the just, speedy, and  
18           inexpensive determination of the action.  
19

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11 By: /s/ Lauren M. Hausman  
12 Lauren M. Hausman, Esq.

13 **CERTIFICATE OF SERVICE**

14 I hereby certify that on October 23, 2024, I electronically filed the foregoing  
15 document with the Clerk of the Court using CM/ECF, which will electronically  
16 serve all counsel of record.

17 /s/ Lauren Hausman  
18 Lauren Hausman, Esq.